

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

MARC S. CASON #180-571	:	
Plaintiff	:	CASE NO.: 20-00692 PX
v.	:	
CORIZON HEALTH SERVICES, et al.	:	
Defendants	:	

**DEFENDANTS' OPPOSITION TO THE MOTION TO AMEND TO ADD DEFENDANT  
AND MOTION FOR LEAVE TO FILE A SURREPLY**

Defendants Asresahegn Getachew, M.D., Ayoku Oketunji, M.D., Yonas Sisay, M.D., Bolaji Onabajo, M.D., and Hiruy Bishaw, M.D. (collectively the “Wexford Defendants”), by their counsel, Gina M. Smith, Douglas C. Meister, and Meyers, Rodbell & Rosenbaum, P.A., hereby oppose Plaintiff’s motion for leave to file an amended complaint adding Wexford Health Sources, Inc.,<sup>1</sup> as a defendant, and for leave to file a surreply, and in support thereof state:

1. On September 10, 2020, Plaintiff filed a motion to add “Wexler Medical Service” as a defendant. ECF 33. In view of Plaintiff’s pro se status, the Wexford Defendants construe this to refer to Wexford Health Sources, Inc. (“Wexford”).

2. Wexford opposed the motion to add Wexford as a defendant on the grounds the amendment would, *inter alia*, be futile. See ECF 34.

3. On September 30, 2020, Plaintiff again filed a motion for leave to amend the complaint. ECF 36. In this pleading Plaintiff offers no new grounds to amend. Wexford therefore adopts by reference and incorporates its original opposition (ECF 34) to the motion to add Wexford as a defendant.

4. Plaintiff’s pleading at ECF 36 also asks leave of the Court to file a surreply. ECF 36. No justification or need to file a surreply is provided by Plaintiff. *Id.* “Allowing a party to

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<sup>1</sup> Incorrectly named Wexler Health Sources by Plaintiff. ECF 36.

file a sur-reply is within the Court's discretion, see Local Rule 105.2(a), but they are generally disfavored." Chubb & Son v. C & C Complete Servs., LLC, 919 F.Supp.2d 666, 679 (D.Md.2013). "Surreplies may be permitted when the moving party would be unable to contest matters presented to the court for the first time in the opposing party's reply." Khoury v. Meserve, 268 F.Supp.2d 600, 605 (D.Md.2003). See EEOC v. Freeman, 961 F. Supp. 2d 783, 801 (D. Md. 2013), *aff'd in part sub nom. E.E.O.C. v. Freeman*, 778 F.3d 463 (4th Cir. 2015). Plaintiff does not argue there were any new matters in the Wexford Defendants' reply that Plaintiff is seeking to address. See ECF 32, 36. Accordingly, there is no basis for a surreply and the motion should be denied.

**WHEREFORE**, Defendants Asresahegn Getachew, M.D., Ayoku Oketunji, M.D., Yonas Sisay, M.D., Bolaji Onabajo, M.D., and Hiruy Bishaw, M.D. renew their motion for the Court to deny Plaintiff's motion to add defendant and for leave to file a surreply.

Respectfully Submitted,

**MEYERS, RODBELL & ROSENBAUM, P.A.**

By:                     /s/                      
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 8<sup>th</sup> day of October, 2020, a copy of the foregoing opposition to motion for leave to amend and to file surreply was mailed, postage prepaid, or sent by ECF to:

Marc S. Cason #180-571  
Western Correctional Institution  
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Alexandra Renee Hilton  
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\_\_\_\_\_/s/  
Douglas C. Meister